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C O N F I D E N T I A L SECTION 01 OF 02 PRISTINA 000176

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SUBJECT: SERBIAN ELECTIONS IN KOSOVO: OPTIONS SHAPING UP

Classified By: COM TINA KAIDANOW FOR REASONS 1.4 (B) AND (D)

¶1. (C) SUMMARY: UNMIK is still pondering its options with regard to the unauthorized conduct of Serbian parliamentary and municipal elections in Kosovo on May 11, though it appears to be edging closer to a position that would neither obstruct nor facilitate the conduct of elections, as per past practice. In this concept, UNMIK would hold to a position that municipal elections carried out under Serbian government auspices in Kosovo is a violation of UNSCR 1244, but as a practical matter would not move to prevent Serbs from conducting the balloting. UNMIK would retain the option of either declaring the municipal results completely invalid or conceivably factoring them into a subsequent decision empowering UNMIK-approved authorities in the three northern Serb-majority municipalities and the two mixed municipalities in the south, all of which were left with temporary arrangements in the aftermath of the Serb boycott of November 2007 Kosovo municipal elections.

¶2. (C) Summary, cont. In our view, there is almost no chance of finding any accommodation that would satisfy both UNMIK's objectives and Belgrade's and allow a pre-emptive UNMIK blessing for these elections. Belgrade will almost certainly wish to hold these elections in a variety of locations completely at odds with Ahtisaari provisions and also are intent on ensuring that the resulting Serb municipal authorities -- completely separate from Kosovo authorities in the same municipalities -- answer solely to Serbian government institutions. Initial conversations with Kosovo's Prime Minister, President and Assembly Speaker have found them understanding, if not fully enthused, about the emerging approach; both they and we are urging quicker UNMIK action and decision making to at least provide some understanding to the Kosovo public of the way forward. End Summary.

UNMIK Policy Approach Slowly -- Too Slowly -- Emerging

¶3. (C) The absence of SRSR Ruecker from Pristina for two weeks and the events of March 17 distracted UNMIK from devising a consistent and logical response to the unauthorized conduct of Serbian parliamentary and municipal elections in Kosovo, announced by the Serbian government for May 11. With Ruecker's return April 1, attention has finally

focused on the issue, though UNMIK has yet to finalize its position. Meeting with Contact Group representatives on April 2, Ruecker noted that it was still unclear what the precise intent of the Serbian government was in relation to these elections, and said that UNMIK's first step would be to query Belgrade on its specific plans. CG reps -- including the Russian -- pointed out that the apparent divisions within the Serbian government on Kosovo issues might prevent a speedy or unified answer, and urged UNMIK to make plain its own position, in order to give Belgrade and the Kosovars an indication of UNMIK's own expectations.

14. (C) In private conversation with the SRSG and with his executive assistant, Andriani Mortoglou, it is clearer that UNMIK's thinking is converging around the idea of neither obstructing nor facilitating Serbian elections, as in past practice, but holding to a position that the results of such an election will have no legitimacy in Kosovo except insofar as UNMIK itself considers those results in authorizing new municipal authorities in the north and the two mixed-ethnic municipalities in the south.

15. (C) Ruecker and Mortoglou speculated that it might in the best of circumstances be possible to win tacit agreement from Belgrade that Serbian-sponsored elections be conducted in a limited number of municipalities rather than the full range of places in Kosovo where Serbs dwell (Pec, Obilic, Ljipljan -- these and other places have small Serb populations but were never conceived by Ahtisaari to be new Serb-majority municipalities), but acknowledged that it would be impossible to reconcile the competing imperatives of UNMIK and Belgrade or sanction in essence the creation of separate, mono-ethnic assemblies in such mixed locales as Novo Brdo and Strpce. COM urged Ruecker and Mortoglou to finalize their approach

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expeditiously and make clear to both Belgrade and the Kosovo leadership UNMIK's views; otherwise, the field would be left to Serbian government officials to pronounce on their plans, leaving Kosovo Albanians increasingly angry and thereby frustrating any approach that leans on the "don't obstruct, don't facilitate" model.

Kosovo Leaders Resigned, if not Enthused

16. (C) Stressing that there was as yet no agreed approach by UNMIK or the international community on the question of Serbian elections in Kosovo, COM broached the subject with Prime Minister Thaci, President Sejdiu and Assembly Speaker Krasniqi -- each of whom had evinced mounting anxiety over how to cope with increased public unhappiness at the prospect of Serbian municipal balloting. COM noted that in the absence of any agreement between UNMIK and Belgrade on conducting these elections, an agreement unlikely to be reached given vastly differing objectives, the "don't obstruct, don't facilitate" approach was the most practical. Each of the three leaders, though unenthused at the prospect of such elections being permitted at all, understood that there was no appetite to provoke a confrontation with Serb communities and no ability to physically prevent the conduct of balloting. Sejdiu was particularly concerned at the prospect of setting a legal precedent by UNMIK's accepting any of the results as legitimate; COM pointed out that UNMIK would likely only consider using the results in specific circumstances and only on its own authority, and she noted that the issue of legal precedent was less compelling than the need to find a practical way out of what could potentially amount to a crisis if not handled carefully. Sejdiu acknowledged this.

17. (C) Comment: We continue to urge UNMIK to decide on the way forward and make its intentions clear to all parties, so that acceptance can begin, even if slowly and grudgingly, on the Kosovo Albanian side and so that appropriate international actors, including KFOR, can make plans accordingly and work to support the UNMIK approach. There is

no solution that will accommodate all concerns or make the Albanians fully happy, but if we work quickly enough the fallout from the elections can be handled without open conflict or contention. End Comment.
KAIDANOW